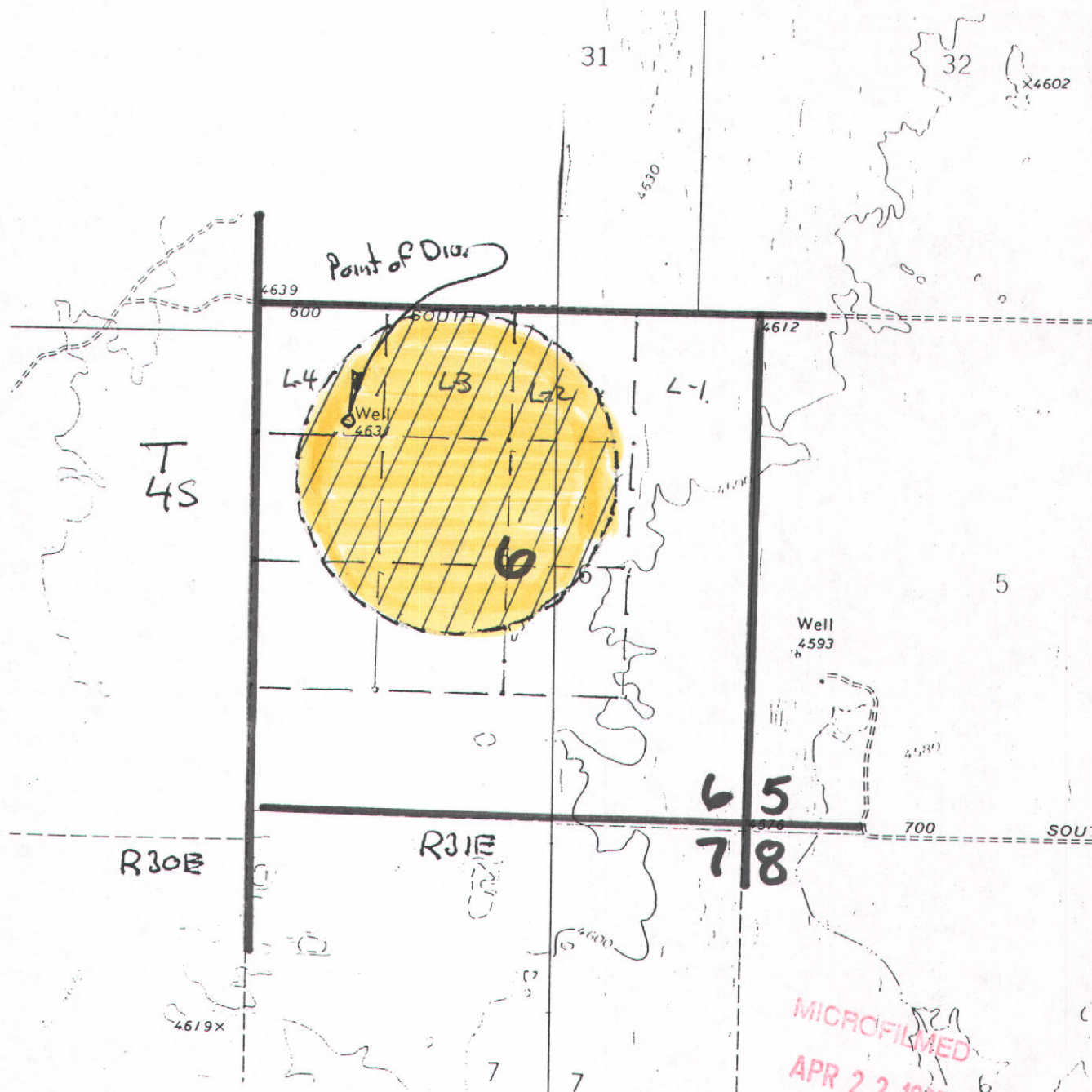
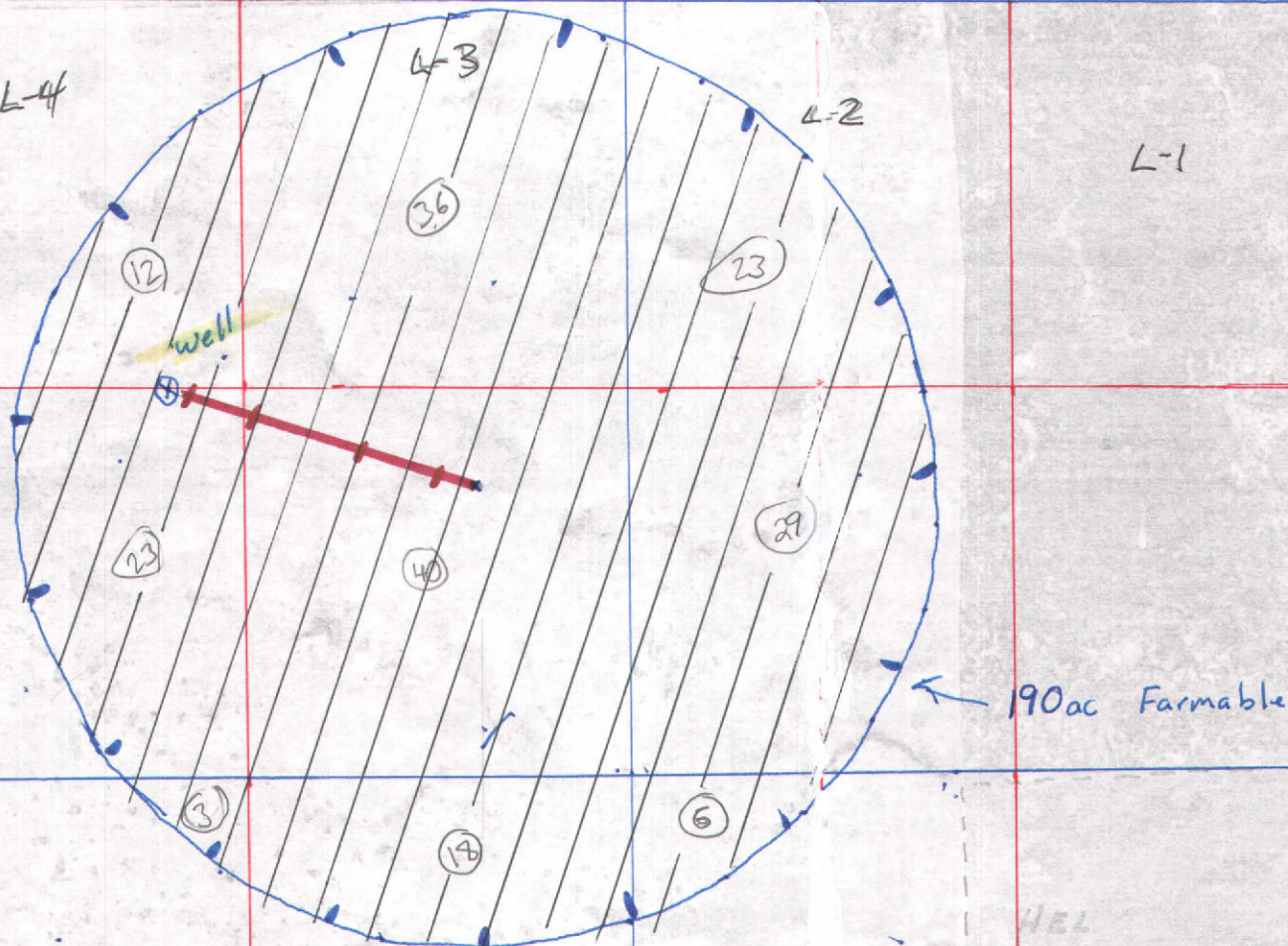


#35-08362



well
2 1/10 mile x 1/4 mile

35-08362



HEL
22.7

55T

R31E

PHOTOFILMED
APR 22 1987

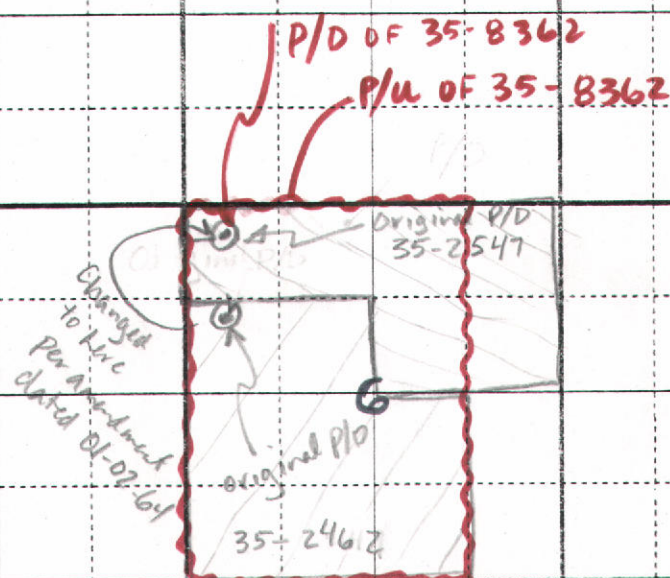
35-8362



35-8362
MICROFILMED
APR 22 1997

R31 E

T4S



MICROFILMED

AUG 18 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08362

Priority: October 23, 1984

Maximum Diversion Rate: 2.47 CFS

Maximum Diversion Volume: 760.0 AF

This is to certify, that H ALAN FUNK
2065 S 2800 W
ABERDEEN ID 83210

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated October 23, 1984; and has submitted Proof of Beneficial Use on January 4, 1991. An examination indicates that the works have a diversion capacity of 2.470 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	2.47 CFS	760.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWNW , Sec. 6, Township 04S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	31E	6	Lot 2(NWNE) 23	SWNE 29	Lot 3(NENW) 36	
			Lot 4(NWNW) 12	SWNW 23	SENW 40	
			NESW 18	NWSW 3	NWSE 6	190

Total number of acres irrigated: 190

CONDITIONS OF APPROVAL AND REMARKS

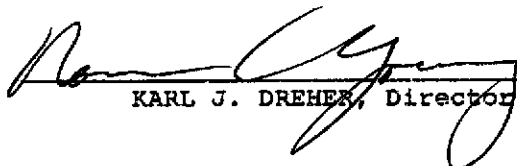
1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 35-08362

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 14TH
day of April, 1977.


KARL J. DREHER, Director

RECEIVED
JAN 04 1991

STATE OF IDAHO

For Office Use Only
Amt. of Fee \$ 225.00
Date 1-4-1991
Receipt No. E015573
Received by KCW

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department

1 Permit No. 35-8362 Telephone No. 397-4820

2 Name(s) of Permit Holder(s): H. Alan Funk

3 Post Office Address: 2065 S. 2800 W, Aberdeen Id 83210

4 Source of Water: Groundwater

a. If ground water, well driller's name: Vollmer Date drilled: 1974

b Pump horsepower: 400 hp Pressure (psi): 70 psi Dynamic pumping level (ft.): 235

5 Extent of Use:

Domestic _____ (No. of households) Irrigation 480 (No. of acres)

Stockwater _____ (No. and type of stock) Other _____

6 Total rate and/or volume for which proof is submitted 5.6 cfs _____ acre/feet

7 Refer to the approval conditions on your permit and respond accordingly:

Measuring device: Required? Yes No Installed? Yes No

OR
Flow Measurement Port: Required? Yes No Installed? Yes No

8. Fee Enclosed: \$ 225.00 (See License Examination Fee Schedule)

9 Person to contact to accompany the Department representative during the field examination:

Same as above
Name _____ Telephone No. _____

Address _____

10 The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

4 Jan 1991
Date

H. Alan Funk
Signature (and title if on behalf of a company or organization)

MAR 18 1991

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 35-08362

Proposed Priority: October 23, 1984 Maximum Diversion Rate: 5.60 CFS

This is to certify, that **H. ALAN FUNK**
2065 S. 2800 W.
ABERDEEN, ID 83210

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	5.60 CFS

LOCATION OF POINT(S) OF DIVERSION: NWNW Sec. 6, Township 04S, Range 31E
BINGHAM County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04S	31E	6	NWNE 40	SWNE 40	NENW 40		
			NWNW 40	SWNW 40	SENW 40		
			NESW 40	NWSW 40	SWSW 40		
			SESW 40	NWSE 40	SWSE 40		480
Total number of acres irrigated:							480

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
5. Prior to the diversion of water under this permit a flow measurement port or other device as specified by the Department shall be installed to provide for the installation of measuring equipment and the determination of the rate of diversion by the Department.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

14th day of August, 1989.

Microfilm

AUG 18 1989

[Signature]
for R. Keith Higginson, Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant H. Alan Funk Phone 397-4820
Post office address 2065 S. 2800 W. Aberdeen, Idaho 83210
2. Source of water supply well-ground water which is a tributary of _____
3. Location of point of diversion is (NW 1/4 of NW 1/4) of Section 6 Township 45
Range 31E B.M. Bingham County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 5.6 for irrigation purposes from April 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated:

a. 5.6 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. 18" Hole
pipe line - sprinkler - motor

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is 18" inches; proposed depth of well is 275 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year - maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ 1/4 of _____ 1/4 of Section _____ Township _____
Range _____ B.M.

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

RECORDED

AUG 18 1989

~~UNCLASSIFIED~~

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

	L71	L73	L72	J
P.D.	40	40	40	
	40	40	6 40	
	40	40	40	
	40	40	40	J

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

J. Alan Funk
(Applicant)

AUG 18 1984
CENTRAL

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. Other: _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

Received by Jim Date 10-23-84 Time 11:00 A.M.
Preliminary check by KW Fee \$ 145.00
Received by My Date 10-23-84 # 35162
Publication prepared by AB Date 3-7-89
Published in Morning News
Publication dates 3-16, 23, 89
Publication approved (initials) Date 4-6-89
Protests filed by: none
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by KW

DEPT. OF WATER RESOURCES
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

**NOTICE OF APPLICATION
FOR WATER RIGHT**

The following application(s) have been filed
to appropriate the public waters of the State of
Idaho.

35-08362

FUNK, H. ALAN
2065 South 2800 West
Aberdeen, Idaho 83210
Source: GROUNDWATER
Diversion Pt.: NWNW, Sec. 6 T. 04S, R.
31E.

Use: IRRIGATION (5 600 CFS)

Date Filed: 10/23/1984

In: T04S, R31E, S06 NWNE, SWNE,
NENW, NWNW, SWNW, SENW, NESW,
NWSW, SWSW, SESW, NWSE, SWSE -
480.0 ACRES TOTAL.

35-08580

TWO RIVERS LAND & LIVESTOCK
726 N. 1900 W.

Blackfoot, Idaho 83221

Source: GROUNDWATER

Diversion Pt.: NWSW, Sec. 11, T. 01S, R.
32E.

Use: IRRIGATION (3,200 CFS).

Date Filed: 5/30/1985.

In: T01S, R32E, S10, NESE, NWSE, SWSE,
SESE - 160.0 ACRES TOTAL.

35-08598

TAYLOR FARMS

998 North 1400 West

Blackfoot, Idaho 83221

Source: GROUNDWATER

Diversion Pt.: SWNW, Sec. 15, T. 01S, R.
33E.

Use: IRRIGATION (2,250 CFS).

Date Filed: 6/19/1985.

In: T01S, R33E, S15, NENE, NWNE,
SWNE, SENE, NENW, NWNW, SWNW, SENW
- 306.0 ACRES TOTAL

35-08600

Diversion Pt.: NWNWNE, Sec. 1, T. 03S, R.
32E

Use: COMMERCIAL (0.040 CFS).

Date Filed: 2/27/1989

In: T03S, R32E, S01, NWNE.

35-08703

FURNISS BROTHERS FARMS

131 N. Oak

Blackfoot, Idaho 83221

Source: GROUNDWATER

Diversion Pt.: NWNW, Sec. 1, T. 03S, R.
32E.

Use: COMMERCIAL (0.040 CFS)

Date Filed: 2.27/1989.

In: T03S, R32E, S01, NWNW

The permit(s) will be subject to all prior
water rights. Protests may be submitted bas-
ed on the criteria of Sec. 42-203A, Idaho
Code, and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15, Idaho
Falls, Idaho, 83402, on or before APRIL 3,
1989

R. KEITH HIGGINSON
Director

(315)
Pub. 3/16, 23

RECEIVED

APR 3 1989

Department of Water Resources
Eastern District Office

AFFIDAVIT of PUBLICATION

County of Bingham)

State of Idaho)

I, Michael Bell do
solemnly

swear that I am the Publisher of
The Morning News which is a daily newspaper of
general circulation published each day except Sunday
at Blackfoot, Bingham County, Idaho, said newspaper
having been so published at Blackfoot, aforesaid for
more than one year past; that said newspaper
heretofore complied with all the provisions of Chapter
154 of the Sessions Laws of Idaho of 1933, approved
March 11, 1933, and duly designated, pursuant to law,
a particular day of the week as the day on which legal
notices required by law or by the order of any Court of
competent jurisdiction within the State of
Idaho shall be published to-wit: of each week; that the
notice attached hereto and which is a part of this af-
fidavit and part of the proof of publication was
published in said issue or said

newspaper two consecutive week

the first publication having been made on the

16th day of March, 1989;

and the last publication having been made on the
23rd day of March, 1989

that said notice was published in the regular and entire
issue of every number of the paper as aforesaid during
the period and time of publication, and that notice was
published in the newspaper and not in a supplement.

On this 30th day of March, in
the year 1989 before me a Notary Public of said State,
personally appeared

Michael Bell
known or identified to me to be the person whose
name is subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he ex-
ecuted the same.

Ray A. Clayton
Notary Public for the State of Idaho,
Residing at Blackfoot, Idaho
My commission expires
November 10, 1994

Affidavit Processing fee. \$5.00



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

April 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

H ALAN FUNK
2065 S 2800 W
ABERDEEN ID 83210

RE: WATER RIGHT NO. 35-08362

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

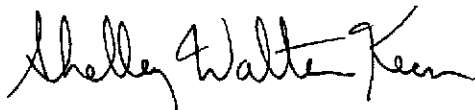
APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:ph

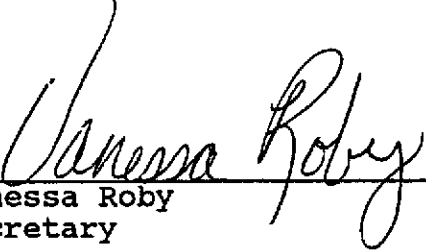
Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of April, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 35-08362

H ALAN FUNK
2065 S 2800 W
ABERDEEN ID 83210



Vanessa Roby
Secretary

ACRES IRRIGATED BY A CIRCLE SPRINKLER SYSTEM

used as confirmation of examiner's recommendations

24. Recommendations acceptable

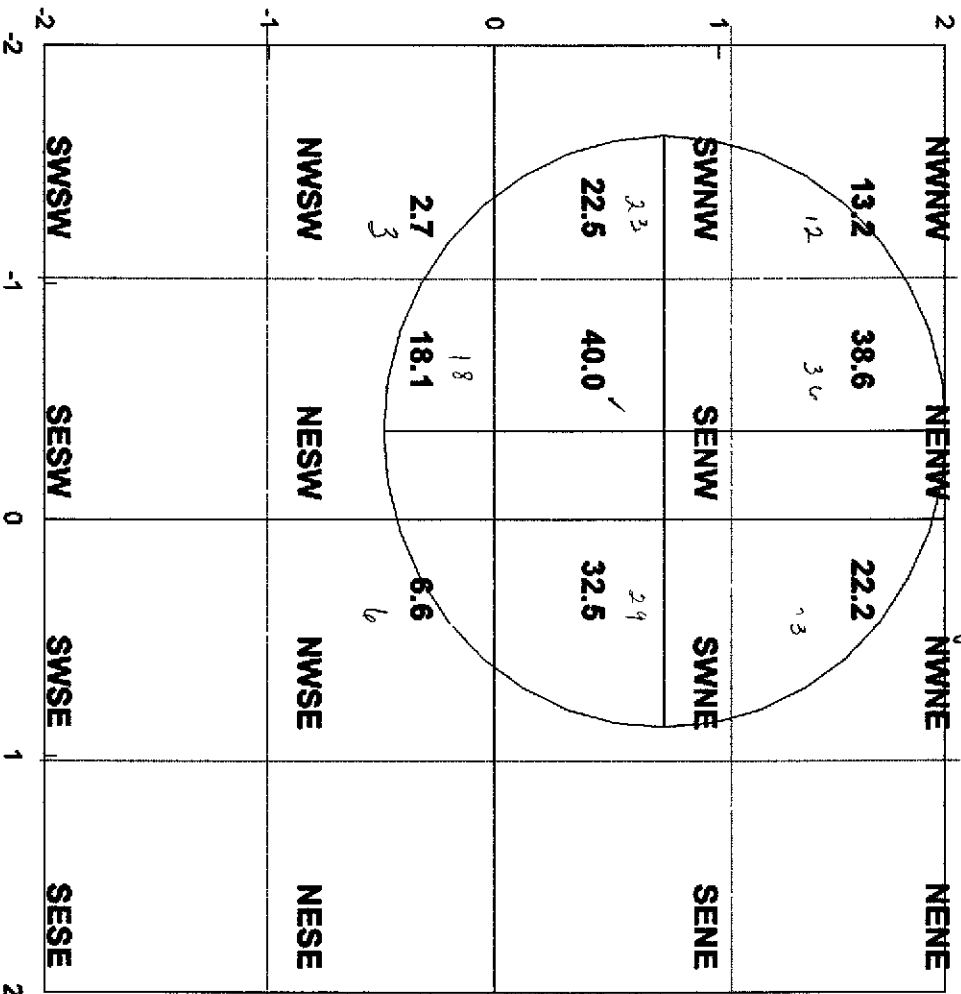
INPUT

Radius =	1650	feet
North =	999	feet
West =	495	feet
Area =	196.3	acres

VS 190

Quarter quarter containing center of circle:

SENW
4S
31E
6



MICROFILMED

APR 22 1937

LICENSE REVIEW CHECKLIST

PERMIT NO. 35-08362

DATE 3/28/97

REVIEWER: SHARLA

NAME Change OK

Address Change NO

SOURCE Change ✓

Is change clarification of originally intended source? ✓

POINT OF DIV Change ✓

If not, prepare Notice of Intent to Void ✓
Amendment required NO

PLACE OF USE Change ✓

Amendment required NO

Does map agree with written description? ✓ yes ✓ no

OVERLAPS ✓ P/D ✓ P/U

RATE OF DIV

Permitted Rate 5.6 cfs

Fee limit 6.0 cfs \$225⁰⁰

Measured 2.47 cfs

Theoretical 7.28 cfs 6.21

2.45 rating 1100 gpm

30% efficiency
@ 70 psi and 235' lift (b/v)
Recommended Total Div Rate 2.47 cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use ✓

Volume Calculation

190 x 4.0 = af

760.0 af

af

af

af

SUBTOTAL 760.0 af

3960' x 990' N

1980' x 495' W

SENW center of pivot 1650'

Flow rate 2.47 cfs X 214 days X 1.98% = 1046.6 af

Total volume recommended 760.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS ✓ Watermaster Control WD# ✓

✓ GW Measurement/Measuring Device

✓ 31 Overlap

✓ Use-specific conditions

Advancement of Priority Date Required ✓ yes ✓ no

SRBA Claim Filed NA

1st Amend Letter NA

Adjustment Memo ✓

2nd Amend Letter NA

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED

JAN 22 1996

Department of Water Resources

A. GENERAL INFORMATION

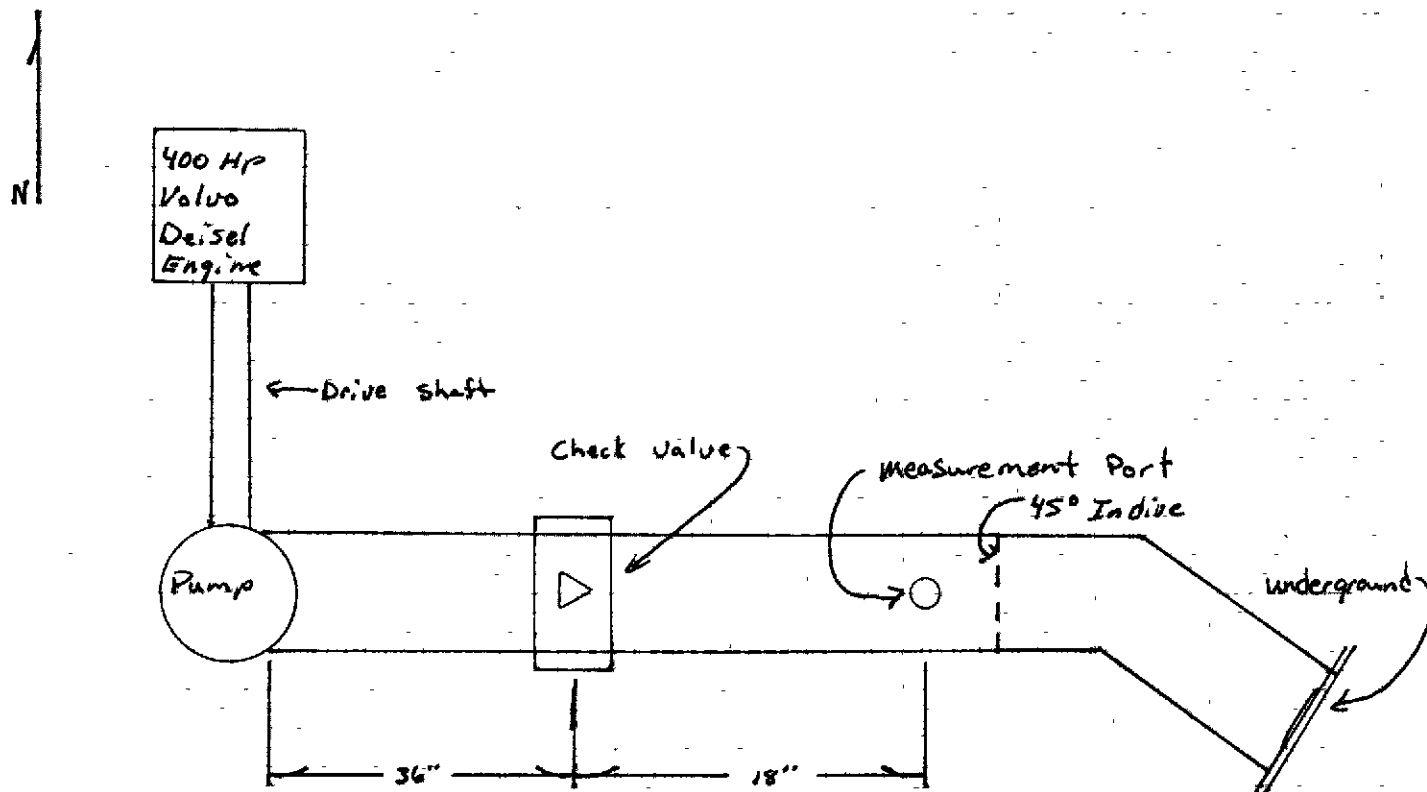
1. Owner: H Alan Funk Permit No. 35-8362
Phone No. 397-4820
Current Address: 2065 S. 2800 W. Aberdeen, Id 83210
2. Accompanied by: Alan Funk EXAM. DATE: 8-7-91
Address: Same Phone No. Same
Relationship to Permit Holder: Owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NA
_____ ☐ Copies Attached
2. Other water rights with same point of diversion: NA
_____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

☒ Aerial Photo Attached
(required for irrigation of 10 acres or more)

FILED

APR 22 1997

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Hall Meter	Pitot	Cox		120387	10"	—
Flow Indicator	Manometer	IDWR	—	—	60"	—
Pressure Gage	Fluid	Rainbird	—	—	0-160	—

2. Measurements:

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method: Cox Hall meter for 2.47 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation.

$V_{IR} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 190 \text{ acres} \times 4 \text{ af/a} = 760 \text{ af}$

$V_{DR} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 2.47 \text{ cfs} \times 214 \text{ d.} \times 1.9835 = 1048 \text{ af}$

$V = \text{Smaller of } V_{IR} \text{ and } V_{DR} = 760 \text{ af}$

2. Volume Calculations for Other Uses:

RECORDED
APR 22 1957

H. REMARKS AND OVERLAP REVIEW ANALYSIS

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use		Period of Use		Rate of Diversion	Annual Volume
		From	To	Q (cfs)	V (afa)
Irrigation		4-1	10-31	2.47	760 afa

Totals:		2.47 cfs	760 afa
---------	--	----------	---------

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☐ None
- ☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

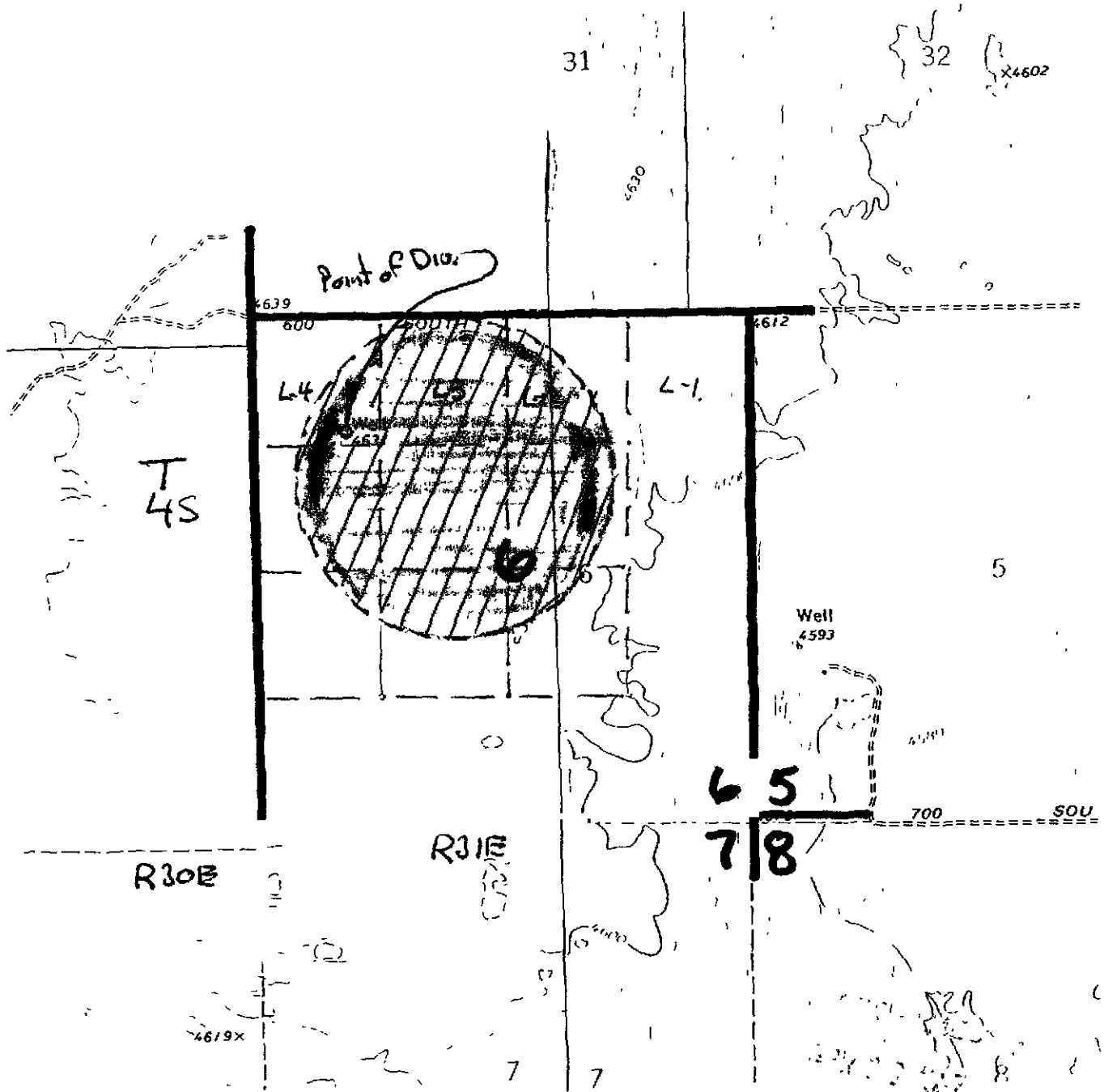
Field Examiner's Name Gary Bass Signature [Signature] Certification Date _____ Field Report Preparation Date _____

CONSULTANT SEAL [Signature] 1-9-96

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

MDRC-11111
APR 22 2007

#35-08362

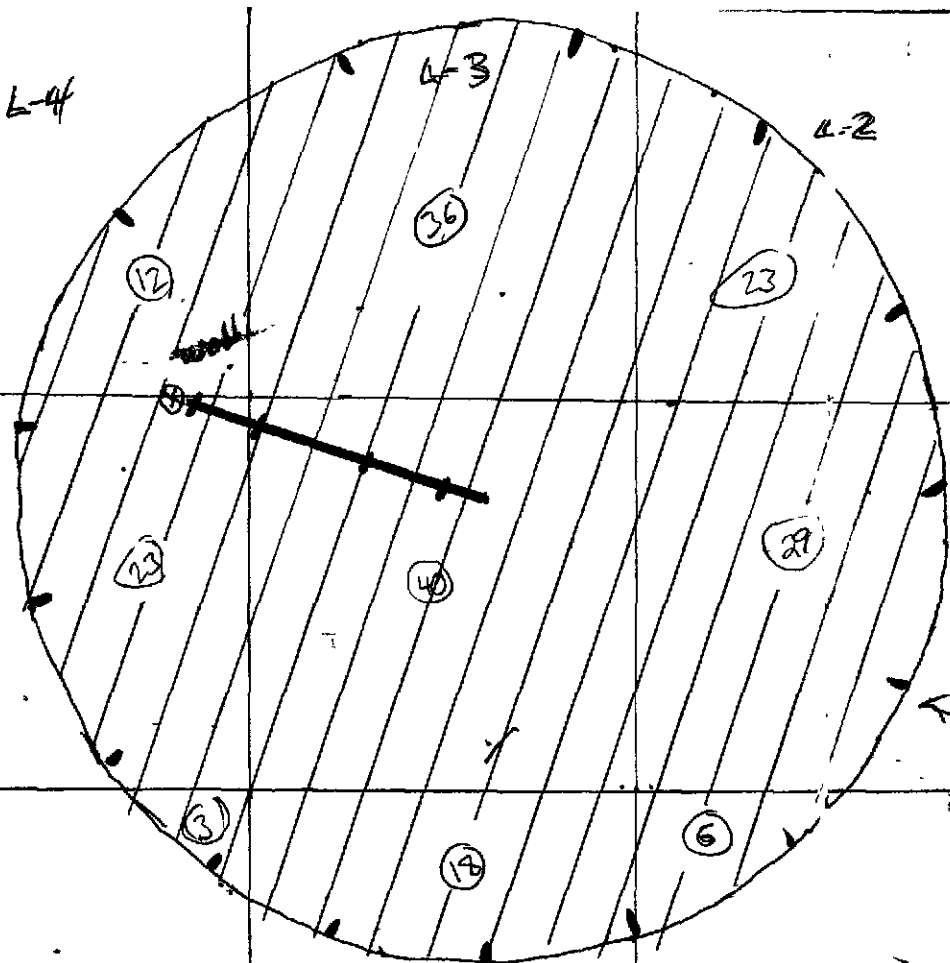


35-08362

Well
3/10 mile x 1/4 mile
31
6

21

6



L-4

L-3

L-2

L-1

90ac Farmable

22-7

T
54

R31E

APR 22 1987

State of Idaho
DEPARTMENT OF WATER RESOURCES
Cox/Hall Meter Flow Calculations

DATE: 8-7-91

PERMIT # 35-8362

MANOMETER READING INCHES OF WATER TO COX/HALLS METER - Vh

COX/HALL METER # 120387

SYSTEM NAME/NUMBER _____

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

Circumference in Inches = 36.4 CIR

Thickness in Inches = .135 T

ID = (0.3183 X CIR) - (2 T) = 9.73 ID

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O

() - () = H
() - () = H
() - () = H

(45.6) - (35.9) = 9.7 H

High reading - Low Reading

DETERMINE Vh FROM CHART USING (H): 14.9 Vh
(Example H = 12.3, Vh = 16.9)

CALCULATION OF FLOW IN CFS:

Q cfs = [(π /4) X (ID)² X Vh] / 448.8

(ID) (Vh)

Q cfs = [0.78539 (9.73)² (14.9)] / 448.8

Q cfs = 2.47 cfs

Q cfs = 1107.9 ²

MEASURED BY May

Township No 4 South,

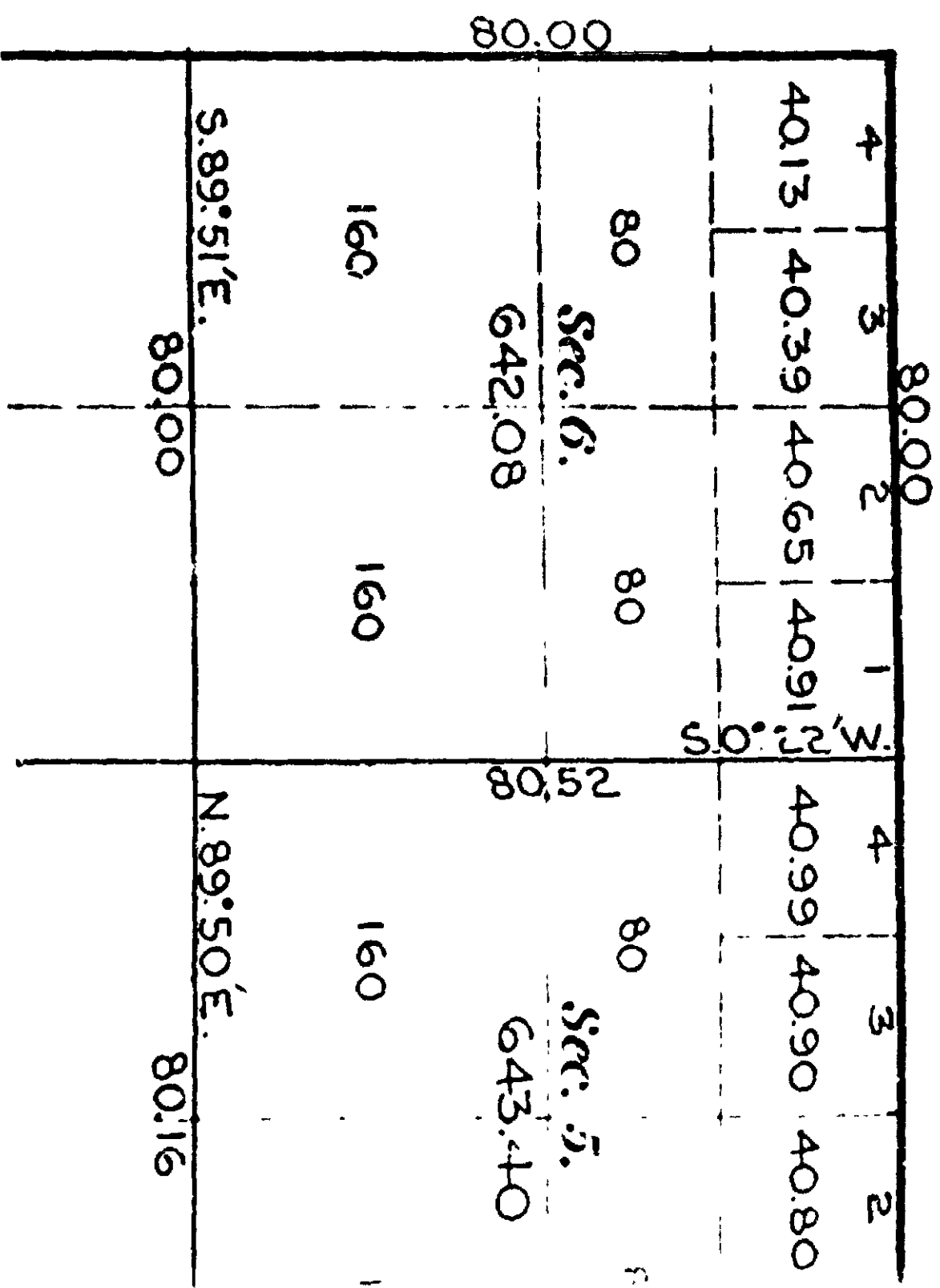
G F F

1000
1000
1000

T
4
R 31E

q

H



35-8367



35-8362

February 26, 1991

H. ALAN FUNK
2065 S. 2800 W.
ABERDEEN, ID 83210

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 35-08362

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

I note that the permit issued to you by the department requires the installation of a flow measurement port to allow the department to determine the rate of diversion. The proof which you submitted does not show that you have installed this equipment.

The installation of the flow measurement port must be complete by the time the department representative conducts the examination of your system unless the department has rescinded the requirement prior to the field examination. In some cases, the equipment requirement can be rescinded because the equipment cannot be physically installed, is not appropriate or can be accommodated with other measuring methods.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

MAR 18 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 35-8362

Date 2-6-91

GENERAL CONSIDERATIONS

☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

☐ Surface water source
☒ Ground water source
☒ No Drill permit req'd?
☒ Copy in file? Drill permit no. _____
☒ Amt paid for drilling permit? _____ Correct?
☒ Well log in file?

LICENSE EXAMINATION FEE

☒ Required?
☒ Amount submitted?
☒ Correct amount?

MEASURING DEVICE

☒ Measuring device or access port required?
☒ Installed?
☐ Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

* See memo of 1-4-91
re: new meas. port
Proof acceptable

PRIORITY CALCULATION

Date proof received	_____	_____
Date proof due	_____	- _____
No. of days late	_____	= _____
Priority date	_____	+ _____
NEW PRIORITY DATE	_____	= _____

LB

RECEIVED

JAN 04 1991

Department of Water Resources
Eastern District Office

TO: WATER ALLOCATION SECTION

4 JANUARY 1991

FROM: H. ALAN FUNK

RE: PROOF OF BENEFICIAL USE 35-8362

I SUBMITTED A REQUEST FOR EXTENSION OF TIME TO COMPLETE THE SYSTEM UNDER 35-8362 ON 1 SEPTEMBER 1990. I RECEIVED A LETTER DATED 13 DECEMBER 1990 ALONG WITH THE DENIED REQUEST FOR EXTENSION OF TIME. THE EXTENSION OF TIME WAS SIGNED ON DECEMBER 7, 1990.

SINCE I SUBMITTED A REQUEST FOR EXTENSION OF TIME I DID NOT SUBMIT A PROOF OF BENEFICIAL USE ON OR BEFORE 1 SEPT 1990.

I AM SUBMITTING THE NECESSARY PROOF AT THIS TIME. THIS MEMO IS TO NOTIFY YOU WHY PROOF WAS NOT SUBMITTED IN A TIMELY MANNER.


H. ALAN FUNK
2065 S. 2800 W.
ABERDEEN, ID 83210
(208) 397-4820

FEBRUARY 6, 1991

The proof of beneficial use form and fee were submitted as a result of a denied request for extension of time. The department will not delay the priority date and will consider the extension as timely received.

MICROFILMED

MAR 1 1991


2-6-91

December 13, 1990

H. Alan Funk
2065 S 2800 W
Aberdeen, ID 83210

Dear Mr. Funk:

Re: Permit No. 35-8362

Enclosed is a copy of the denied request for extension of time which you submitted to the department in connection with the above referenced permit.

Also enclosed is a proof of beneficial use form and instruction fee. For that portion of the project completed, you should submit the proof of beneficial use form. Note that proof was due on September 1, 1990 so it is important that you submit the form soon.

Within one year of the time you actually intend to develop remaining use the water, I suggest that you file a new application. Since Idaho is now under a mandatory permit procedure to develop a water right, the new application will provide an additional period of time for development, although the priority date will be later in time.

Please feel free to contact any of our regional offices if you wish assistance in completion of the new application.

Sincerely,

L. GLEN SAXTON
Chief, Water Allocation Bureau

Enclosures

MICROFILMED

MAR 18 1991

4/7
RECEIVED

JUL 23 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

REQUEST FOR EXTENSION OF TIME

For Office Use Only
\$15 FEE Received by HWS
Date 7-20-90
Receipt # E015015

Department of Water Resources To provide additional time in which to submit proof
of beneficial use for a water right permit

The Idaho Department of Water Resources will consider this form as a request that the permit holder(s) be granted an additional period of time in which to complete development of a water right under the provisions of Section 42-204, Idaho Code.

Permit No. 35-08362Name(s) of Permit Holder: H. Alan RunkPost Office Address: 2065 S. 2800 W. Aberdeen, ID 83210Telephone No. 397-4820Date Proof is Due: 9-1-1990

Describe what work has been completed toward the development of this water right: _____
(This must be filled out! If no work has been completed, show "none".)

One HALF of Project HAS been completed, by main pump and motor for the use of irrigation for a site project. the one Half completion is the irrigation, one circle HAS been put to use. Costing \$ \$90,000.00

The permit holder(s) has been unable to complete the remainder of the work for the following reasons:

The work on clearing of the ground has been held up by Swan Falls litigation, for the uncertainty of knowing if or when Approval would be.

Permit holder(s) request an extension to 9-1, 1991. H. Alan Runk
(1 yr. minimum) (Signature)*

FEE: \$15.00

*IF OTHER THAN PERMIT HOLDER,
POWER OF ATTORNEY MUST BE SUPPLIED.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

IT IS HEREBY ORDERED that the above request for extension of time be DENIED since permit holder has not shown good cause and justification for extending the construction period.

Signed this 7TH day of December, 1990.

Director

RECORDED

MAR 18 1991

ACTION REQUIRED

FROM: Tim 9-24-90

TO: File

ALAN FUNK called today in response to our last letter. I told him to submit A written statement, explanation to resolve the discrepancy ASAP.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 30, 1990

H. Alan Funk
2065 S. 2800 W.
Aberdeen, ID 83210

RE: Permit to Appropriate Water No. 35-08362

Dear Mr. Funk:

On June 28, 1985, you submitted a statement to the Department claiming that development represented by application for permit no. 35-08362 was completed in 1974. I have enclosed a copy of the proof of beneficial use for your reference.

Based on the statement which you submitted in 1985, the Department approved application no. 35-8362 out of sequence and without review pursuant to Idaho Code § 42-203C on August 14, 1989. On July 23, 1990, the Department received a request to extend the time within which to submit proof of beneficial use of the above referenced permit. Please provide an explanation to the Department why you are requesting an extension of time when you previously stated that the development proposed by the application was completed in 1974.

Please respond to this inquiry within twenty (20) days of the date of this letter. If an adequate response is not received by the Department within this period, the Department will act to deny the extension request and cancel the permit.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

cc: Eastern Region

RECEIVED

MAR 18 1991

STAFF REVIEW SHEET - EXTENSION OF TIME

Permit No. 35-8362

Reviewed by [Signature]

Date 8-17-90

BASIC INFORMATION

- y Date stamp received
- y Extension received timely (not too early not too late)
- y Fee received and receipted
- y Name and signature same as permit
- N Address change

BASIS FOR EXTENSION REQUEST

- y Has adequate work been completed to demonstrate due diligence?
- y Has the cost incurred been adequate to demonstrate an intent to complete the project?
- Has the permit been involved in litigation?
 - a. Swan Falls _____ Dismissed from Swan Falls _____
 - Other _____ Identify _____
 - b. Is supporting documentation needed to complete the file? _____
 - Requested _____
 - c. Calculate the period of delay
 - Date litigation completed _____
 - Date litigation began _____
 - Total period of delay = _____
 - Present proof due date + _____
 - NEW PROOF DUE DATE = _____
- Is delay by a government agency? _____
- Is supporting documentation needed to complete the file? _____
- Requested? _____

ACTION TAKEN - *Recommend approval based on due diligence for one year*

1/1 Reinstatement

Date extension received	_____	=	_____
Proof due date	_____	=	_____
No. of days late	_____	=	_____
Priority date	_____	=	+
ADJUSTED PRIORITY DATE	_____	=	_____

DATE ENTRY

Change proof due date _____ Address change _____

Priority date change _____

138950

~~XXXXXX~~
June 30, 1990

H. ALAN FUNK
2065 S. 2800 W.
ABERDEEN, ID 83210

PROOF DUE NOTICE

RE: PERMIT NO. 35-08362

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before September 1, 1990. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

RECEIVED

MAR 2 1990

MEMORANDUM

TO: FILE/APPLICATION NO.

FROM: TIM LUKE

RE: SWAN FALLS PROCESSING

DATE: 11-27-89

=====

This application was among those applications reviewed in the regional offices last year and recommended for out of sequence processing. This application includes a statement and sufficient supporting evidence concerning development of the project prior to October 1, 1984.

The department's Policy and Implementation Plan for Processing Water Rights in the Swan Falls Area provides for applications to be processed out of sequence if the development was completed prior to October 1, 1984 and the application filed prior to July 1, 1985. These filings are not required to be processed in sequence with other trust water filings because the effect of these filings have already occurred and because, due to subordination, the filings are not taking water held in trust. These filings are not subject to the staged development policy and public interest criteria of Section 42-203C, Idaho Code.

RECEIVED
NOV 28 1989

FILE

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 15, 1989

H. ALAN FUNK
2065 S. 2800 W.
ABERDEEN, ID 83210

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. P35-08362

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

Be sure to note the special condition requiring you to install a measuring device, or a flow measurement port to provide for the installation of measuring equipment by the Department. Enclosed please find a list of measuring device options, and specifications for the installation of the flow measurement port.

MICROFILMED

AUG 18 1989

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

AUG 18 1961

MEMORANDUM

TO: File No. 35-8362
FROM: Gary Spackman *Gary*
DATE: July 31, 1989

RE: Waiver of Rule 4,5. Information Requirements

Application 35-8362 was filed prior to July 1, 1985 and represents development complete in 1974. It is exempt from Swan Falls processing requirements. Under normal circumstances, it would be subject to the additional information requirements of Rule 4,5. of the Water Appropriation Rules and Regulations. Development is already complete, however, and many of the concerns addressed by Rule 4,5. should already have been raised during construction and operation.

Pursuant to the memorandum from Glen Saxton dated July 19, 1989, the requirement for additional information under Rule 4,5. should be waived.

INDEXED
AUG 18 1989

MEMORANDUM

TO: Regions and Water Allocation Bureau
FROM: Glen Saxton *ms*
RE: NEED FOR ADDITIONAL INFORMATION UNDER RULE 4,5. OF THE
WATER APPROPRIATION RULES AND REGULATIONS: PRE-EXISTING
DEVELOPMENT
DATE: July 19, 1989

Many applications are being submitted to the department representing development which occurred several years ago. Some of these applications request diversion in excess of 5 cfs or irrigation in excess of 200 acres, prompting review under Rule 4,5. of the Water Appropriation Rules and Regulations.

The purpose of Rule 4,5. requirements for additional information is to force pre-development analysis of the application. If the development is already complete, many of the analysis criteria are of little value.

If development is already in place prior to filing of the application, the requirements of Rule 5 in some cases may be waived. The waiver of the requirements is based on the fact that many of the negative effects of the development should already have been felt or recognized. One exception, however, is when development is so recent that possible problems associated with the development may not yet have surfaced.

An analysis of the system prior to the development will help us in avoiding conflicts with other public interests which may be injured by the development.

UNRECORDED

AUG 18 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

Funk

INITIAL REVIEW BY: Kay Walker
CHECK: 10-24-84

APPLICATION NUMBER: 35-
35 8362

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.

Field check by: _____

Date: _____

Comments: _____

☒ Fee.

☐ Yes ☐ No

Field check required.

☐ Yes ☐ No

Critical groundwater area.

☐ Yes ☒ No

Request dam safety information. Sent by: _____ Date: _____

☒ Yes ☐ No*

In form to receipt. -receipted

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT:

app. within boundaries of Swan Fall issue.

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

☐ Yes ☒ No

Platted by: _____ Map No. _____

☐ Yes ☒ No

Other rights on same place of use. _____

☒ Yes ☐ No*

In form for advertising.

☐ Yes ☒ No

Final date for protests: _____

☐ Yes ☒ No

Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW.

- ☒ Affidavit of publication received. Date: 4-03-89
☒ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.

☒ Recommendation & initial, recorded on application.

☐ Yes ☒ No

Measuring device required.

☒ Yes ☐ No

Access port required.

☒ Yes ☒ No

Will water be delivered by watermaster? If yes, what district? 01-P05

10-23-84 Date of priority recommended.

Special conditions of approval or cover letter. <OIG>

App. in TRUST area - see development
statements below.

Allow 1 yr. for development ✓

By: HWT

Date: 4-5-89

STATE OFFICE REVIEW:

P05, P23, P03, P16

46 OIG

☐ See attached sheet for more information.

By: KW

Date: 5/17/89

8/1/89

Department of Water Resources

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH

March 15, 1989

Alan Funk
2065 S. 2800 W.
Aberdeen, ID 83210

Application for Permit No. 35-8362

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. The application has been assigned identification No. 35-8362. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Morning News. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

AUG 18 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MARCH 8, 1989

THE MORNING NEWS
P.O. BOX 70
BLACKFOOT, ID 83221

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before APRIL 3, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

UNRECORDED

AUG 18 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed appropriate the public waters of the State of Idaho:

MICROFILMED

AUG 18 1989

35-08362

FUNK, H. ALAN
2065 SOUTH 2800 WEST
ABERDEEN, ID 83210

Source: GROUNDWATER

Diversion Pt: NWNW Sec 6 T 04S R 31E

Use: IRRIGATION (5.600 CFS)

Date Filed: 10/23/1984

In: T04S R31E S06

NWNE
SWNW
SWSW

SWNE
SENW
SESW

NENW
NESW
NWSE

NWNW
NWSW
SWSE

480.0 ACRES TOTAL

WATER RIGHT

AUG 18 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before APRIL 3, 1989.

R. Keith Higginson, Director

Published 3/16/1989 & 3/23/1989

INDEXED FILMED

AUG 18 1989

Idaho Department of Water Resources
Eastern District Office
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

Mr. Ron Carlson:

Would you please commence required processing of my application
for permit # 35-8362.

I understand the interim approval nature of this permit and agree
to abide by the interim conditions imposed by the Department of
Water Resources. I also ask for permanent conversion of this
permit when interim conditions end.

Thank you for your help in this matter.

Respectfully yours,



Microfilm

AUG 18 1983

January 19, 1989

ALAN FUNK
2065 S. 2800 W.
ABERDEEN, ID 83210

RE: APPLICATION FOR PERMIT NO. 35-8362

Dear Applicant:

The department is now beginning the processing of applications which have been held as a result of the Swan Falls controversy. In connection with this processing, the department requests the information described below.

From the department's review of the above referenced water right application, it appears the application is only subject to the usual water right processing described in Section 42-203A, Idaho Code, and is not subject to the public interest criteria processing required of some applications in the Swan Falls settlement.

The department asks that you advise us within 15 days of this letter if you no longer have a continued interest in developing a water right as proposed by the application. If you do not respond in this time period, the department will proceed with the usual processing of the application including advertisement.

Please feel free to contact the department if you have questions.

Sincerely,

Ronald D. Carlson
Eastern Regional Manager

RDC/rb

MicroFILMED

AUG 18 1989

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

JUN 1985

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed development under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below:

Permit No. ³⁵ 8362

Name(s) of Permit Holder: Alan Funk

Post Office Address: 2065 So 2800 W Aberdeen, Ida
83210 Telephone No. 397-4820

Source of Water: ground

Extent of Use:

Domestic _____ (number of households)

Stockwater _____ (number and type of stock)

Irrigation 480 _____ (acres)

Other/Remarks _____

Indicate the date water was first diverted and beneficially used under this permit: 1974

Measuring Device: Required? ☒ Yes ☐ No
Installed? ☒ Yes ☐ No

Flow Measurement Port: Required? ☒ Yes ☐ No
Installed? ☐ Yes ☐ No

Person to contact to accompany the Department representative during the field examination:

Alan Funk
(Name)

2065 So 2800 W Aberdeen, Ida 397-4820
(Address) (Telephone Number)

The above information is a true statement of the extent to which the above numbered permit has been developed.

28 June 85 Alan Funk
Date Signature of Permit Holder (and Title, if appropriate)

Statement of development for exemption
from Swan Falls processing. Not acceptable
as proof of beneficial use.

THIS CONTRACT CONTROLS THE TERMS OF SALE OF THE PROPERTY. READ CAREFULLY BEFORE SIGNING: IF ANY QUESTION, CONSULT YOUR ATTORNEY.

Ho Alan Funk or/and Connie Funk Pocatello Idaho 10/14 1984
 (hereinafter called "Buyer") agrees to purchase, and the undersigned Seller agrees to sell the following described real estate hereinafter referred to as "premises" located in _____ County of Bingham
 State of Idaho, commonly known as Bear land - 450 acres - N of Aberdeen
 legally described as NW 1/4 + SW 1/4 + W 1/2 NE 1/4 + W 1/2 SE 1/4
Section 6, T4S, R31E BM.

(A FULL AND COMPLETE LEGAL DESCRIPTION MUST BE INSERTED, ATTACHED OR WRITTEN ON THE REVERSE HEREOF PRIOR TO EXECUTION BY SELLER. Buyer hereby authorizes broker to insert over his signature the correct legal description of the premises if unavailable at the time of signing, or to correct the legal description previously entered if erroneous or incomplete.)

1 TOTAL PURCHASE PRICE IS \$ 50,000 Fifty thousand and no/100
 DOLLARS (\$ 50,000.00) payable as follows

A Earnest Money

(a) Buyer hereby deposits and a receipt is hereby acknowledged of Fifteen Hundred Dollars (\$ 1500.00) evidenced by ☐ Cash, ☒ Personal Check, ☐ Cashiers Check, ☐ Note Due, or _____ paid or delivered as earnest money in part payment of the purchase price for the premises.

(b) Earnest Money to be deposited in trust account upon acceptance by all parties

(c) All Earnest Money shall be held by Yellowstone Realty for the benefit of the parties hereto, and Pete Ryder (Broker) shall hold the completely executed broker's copy of this agreement.

B Balance of purchase price to be paid as follows

Balance of 29% Down on closing \$13,000.00

Remaining balance of contract \$35,500
to be paid over 5 years at 12%

Buyer and seller to each pay 1/2 of
closing and buyers fees

2 Buyer's offer is made subject to the acceptance of Seller on or before 12 00 o'clock midnight of Oct 8, 1984

If Seller does not accept this agreement within the time specified, the entire Earnest Money shall be refunded to Buyer on demand.

3 Title of Seller is to be conveyed by warranty deed, unless otherwise provided, and is to be marketable and insurable except for rights reserved in federal patents, state or railroad deeds, building or use restrictions, building and zoning regulations and ordinances of any governmental unit, and rights of way and easements established or of record. Liens, encumbrances or defects to be discharged by Seller may be paid out of purchase money at date of closing. Any liens, encumbrances or defects which are to be discharged or assumed by Buyer or to which title is taken subject to (not otherwise set forth above) are:

No liens against property. Property is sold with
no guaranteed water rights because of Swan
Falls Suit by Idaho Power

4 The Seller shall, within a reasonable time after closing, furnish to the Buyer a title insurance policy in the amount of the purchase price of the premises from a title insurance company showing marketable and insurable title subject to the liens, encumbrances and defects elsewhere set out in this agreement to be discharged or assumed by the Buyer. Prior to closing the transaction, the Seller shall furnish to the Buyer a preliminary report or commitment made by a title insurance company showing the condition of the title to said premises. The parties agree that American Land Title Title Company shall provide said title policy and preliminary report or commitment. It is agreed that if the title to said premises is not marketable, or cannot be made so within thirty (30) days after notice containing a written statement of defects is delivered or mailed to the Seller, or if the Seller, having approved said sale fails to consummate the same as herein agreed, such failure shall constitute a default and the Earnest Money shall be returned to the Buyer and Seller shall pay for the cost of title insurance, escrow and legal fees, if any. Buyer's acceptance of the Earnest Money does not constitute a waiver of other remedies available.

5 It is hereby agreed that the "closing agent" for this agreement shall be American Land Title Pete Ryder is the broker responsible for the closing

Where not otherwise provided by law, the parties shall each pay one-half of said closing agent's fees. The closing date shall be Oct 20, 1984

6 On or before the closing date, Buyer and Seller shall deposit with the closing agent all funds and instruments necessary to complete the sale

7 Seller shall deliver possession to Buyer on or before Oct 20, 1984, and taxes and water assessments (using the last available assessment as a basis), rents, insurance premiums, interest and reserves on liens, loans or obligations assumed or taken subject to, and utilities shall be prorated as of Oct 20, 1984 except as follows.

Buyer shall pay for fuel in fuel tank, the amount to be determined by the supplier at Seller's expense

8 The parties agree that this agreement contains the following additional terms and conditions none

9 The following items of property now on the premises are specifically excluded from the sale none

The following items of personal property are specifically included in the sale none

10 IMPORTANT: THE REVERSE OF THIS AGREEMENT CONTAINS IMPORTANT PROVISIONS WHICH ALSO CONSTITUTE PART OF THE AGREEMENT. Each of the parties acknowledges reading this agreement in full

Listing Agency: Yellowstone Realty

Selling Agency: Yellowstone Realty
 By Edward Lombardi

BUYER

Buyer's Address

BUYER

Buyer's Phone

On this date, _____, I/We hereby approve and accept the sale set forth in the above agreement and agree to carry out all the terms thereof on the part of the Seller, and the undersigned Seller further agrees to pay a commission of _____% of selling price or _____ DOLLARS (\$ _____) to the above named broker(s) for services

I/We further acknowledge receipt of a true copy of this agreement with the complete legal description of the premises inserted and signed by both parties

SELLER

Seller's Address

SELLER

Seller's Phone

_____ hereby re

RECORDED
 AUG 18 1984

BILL OF SALE

LAND PURCHASE-----\$40,000.00

EXISTING WELL-----\$10,000.00

TOTAL SALE-----\$50,000.00

SELLER

BUYER

SELLER

BUYER

RECORDED

AUG 18 1989

MEMORANDUM

GEOGRAPHIC

JAN 14 1985

Department of Water Resources
Eastern District Office

TO: 35-2462, 35-2547, 35-8362

FROM: Dave Tuthill *DT*

DATE: January 7, 1985

RE: Analysis of Water Rights in Response to Letter from
Randall C. Budge, Dated December 5, 1984

Preliminary research by Roberta Garrett indicates that the three above-referenced water rights would be of interest to Mr. Budge concerning the water use of H. Alan Funk on land previously owned by Thomas A. Spofford. Preliminary analysis revealed that the circumstances regarding the cancellation of Permit Nos. 35-2472 and 35-2547 were unusual which, due to Mr. Budge's inquiry, has prompted this more detailed examination.

35-2462 (G-26351)

<u>Date</u>	<u>Action</u>
05-21-56	App. filed by Thomas A. Spofford, based on DLE #09980
05-25-56	App. approved
01-12-60	DLE Application approved
04-05-61	Proof Due Date extended to 1-12-65
01-02-64	Amendment approved to change P/D to coincide with P/D for Permit No. 35-2462
02-19-65	Proof of Completion of Works submitted by permit holder. Affidavit of permit holder shows "Land being brought into production. This proof for completion of works - beneficial use will be later."
10-04-68	Permit assigned to Frances A. Spofford
09-09-70	Permit holder contacted about field examination, indicated that the system was not in operation
04-12-73	Memo states that attempts to examine the irrigation system were unsuccessful
09-14-73	Frances Spofford writes requesting an Extension of Time to submit Proof of Beneficial Use
09-26-73	Order issued requiring completion of the permit under the terms of Title 42, Chapter 2, <u>Idaho Code</u> , as amended by the 39th Idaho Legislature
09-26-73	Order issued extending the proof due time to November 7, 1974, and voiding earlier order
08-03-74	Proof due notice sent
12-09-74	Lapse letter sent

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35-2747 (G-27606)

10-31-58	Application filed by James Spofford
03-14-61	Proof due date extended to 2-18-65

*Just file in
35-8362 since
it is the only
active file*

TO: 35-2462, 35-2547, 35-8362
DATE: January 7, 1985
PAGE: 2

35-2747 (G-27606) cont'd

08-07-64 DLE #I-09907, James Spofford, Sec. 6, T4S, R32E, Entry
relinquished. Case closed by BLM
01-06-65 DLE #I-015629, Agnes Spofford, Lots 1-4, S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 6,
T4S, R31E allowed by BLM
02-19-65 Proof of Completion of Works submitted by permit holder.
Affidavit of permit holder states "Land being brought
into production. This proof for completion of works -
beneficial use will be later."
10-04-68 Permit assigned to Agnes A. Spofford
09-09-70 Permit holder contacted about field exam, indicated that
the system was not in operation
04-02-73 Memo states that attempts to examine the irrigation system
were unsuccessful.
07-09-73 T.A. Spofford writes requesting an Extension of Time to submit
Proof of Beneficial Use.
07-27-73 Permit assigned to Thomas A. Spofford
08-28-73 Order issued voiding earlier proof and extending the time
within which to submit proof to November 7, 1974
09-04-73 Order issued requiring completion of the permit under the
terms of Title 42, Chapter 2, amended by the 39th Idaho
Legislature.
08-30-74 Proof due notice sent
12-09-74 Lapse letter sent.

UNRECORDED

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R31 E

P/D OF 35-8362

P/U OF 35-8362

Original P/D
35-2547Changed
to P/C
per amendment
dated 01-02-64

1 original P/D

35-2462

T4S

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AUG 18 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

January 10, 1985

Mr. Randall C. Budge
Racine, Olson, Nye, Cooper & Budge, Chartered
Center Plaza Corner First & Center
P.O. Box 1391
Pocatello, ID 83204

Re: Water Rights on the Lands of H. Allen Funk

Dear Mr. Budge:

We are in receipt of your letter dated December 5, 1984, in which you requested information regarding water rights on the lands of your client, Mr. H. Allen Funk. The purpose of this letter is to summarize information found in the files of this Department with respect to your inquiry.

We have located information on three water rights which are pertinent to this analysis. A summary analysis of each of the water rights follows.

Water Right No. 35-2462 (G-26351) Lapsed Permit

The application for permit that initiated this water right was filed on May 21, 1956 by Mr. Thomas A. Spofford, based on Desert Land Entry filing #I-09980. The application was approved on May 25, 1956, and was amended in 1964 to change the point of diversion. Proof of completion of works was submitted on February 19, 1965. One item on the affidavit of permit holder indicates that "Land being brought into production. This proof for completion of works - beneficial use will be later." The permit was assigned to Frances A. Spofford on October 4, 1968, and pursuant to subsequent correspondence with Mrs. Spofford, the date on which proof of beneficial use was required was extended to November 7, 1974. A proof due notice was sent to Mrs. Spofford on August 30, 1974, and because no response was received, a letter indicating the permit had been lapsed was mailed from this Department on December 9, 1974.

Water Right No. 35-2747 (G-27606) Lapsed Permit

This water right was initiated by an application filed by James Spofford on October 31, 1958. Information in the file indicates that Desert Land Entry #I-09907 in the name of James Spofford for lands within Sec. 26, T4S, R3E was relinquished on August 7, 1964, and the case was closed by the Bureau

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of Land Management. A subsequent document indicates the Desert Land Entry #1-015629 in the name of Agnes Spofford, which pertains to Lots 1-4 and the S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 6, T4S, R31E was allowed by the Bureau of Land Management on January 1, 1965. These lands correspond with the lands identified by Permit No. 35-2747. On February 19, 1965, a proof of completion of works was submitted by James Spofford. The affidavit of permit holder states "Land being brought into production. This proof for completion of works - beneficial use will be later." On October 4, 1968 the permit was assigned to Agnes A. Spofford. After that date the proof due date was extended to November 7, 1974, and the permit was eventually lapsed in a manner similiar to that of Permit No. 35-2462.

Water Right No. 35-8362, Application for Permit

This application, which was filed by H. Allen Funk on October 23, 1984, shows as a proposed use the irrigation of 480 acres within Sec. 6, T4S, R31E. The place of use described by this application is a subset of the approximately 560 acres described in the places of use for the above-referenced lapsed permits. At this time this application is held in the regional office as the point of diversion is within the Snake River drainage basin upstream from Swan Falls Dam.

The purpose for briefly describing the above-referenced water rights is to provide the basis for a suggestion of what action should now be taken for filing claims to beneficial use in light of the approaching June 30, 1985 deadline. In this particular situation we reviewed the files more extensively than usual because the two permits were lapsed. Based on this information, the following conclusions can be made:

1. Based on the affidavit of permit holder filed for Permit No. 35-2462 on February 19, 1965, it appears that as of that date the water described under the permit was not yet being put to beneficial use on the associated lands. Because the cut-off date for establishment of a constitutional use right on groundwater is March 25, 1963, a Claim to a Water Right on that system is likely not appropriate in this case. The same analysis applies to lapsed Permit No. 35-2747.
2. Based on information in the file, both permits in question were cancelled in a proper manner. In each case, the permit holder failed to provide proof of application of the water to a beneficial use in a timely manner. In the past, there would have been no way to reinstate the permits. However, as you may be aware, the 1983 Idaho Legislature modified Sec. 42-218A, Idaho Code, to enable certain lapsed permits to be reinstated if the water was being applied to a beneficial use on or before the date proof was due. The two lapsed permits may possibly be candidates for this action; however, note that even if the permits are reinstated, the date of prior proof of beneficial use was received.

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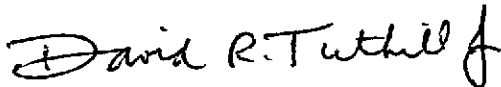
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Mr. Randall C. Budge
January 10, 1985
Page 3

In your letter dated December 5, you requested a copy of lapsed Permit 35-2462. Because we noted that this water right situation was somewhat unusual, we have prepared not only copies of that water right, but in addition, we have prepared complete copies of the microfiche files for both Water Right Nos. 35-2462 and 35-2547. We recognize that you may not desire all of the copies that have been provided. Therefore, we ask that you review the copies and retain for your files as many as you would like at a rate of \$.50 per page. Alternatively, you are welcome to make photocopies of these copies although, as you will notice, many of the copies are very faint. We ask that you return to this office the copies that you do not wish to retain.

I hope that this information will be of value to you. Please contact this office if you desire additional information.

Sincerely,



DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT/lis

Enclosures

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AUG 18 1989

35-8362

FUNK, H. ALAN

2065 SOUTH 2800 WEST, ABERDEEN, ID 83210

Source: GROUNDWATER

Date Filed: 10/23/1984

Diversion Pt: NWNW Sec 06 T 04S R 31E

Use: IRRIGATION (5.60 CFS)

In: NWNE SWNE NENW NWNW SWNW SENW NESW NWSW SWSW SESW NWSE SWSE
Sec 06 T 04S R 31E FOR 480 ACRES

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WATER RIGHT
DATA ENTRY LOG[illegible]